

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 22353 of 2003(J)

PETITIONER:

**SAJU VARGHESE, CIVIL ENGINEERING
CONTRACTOR, "CACTUS", PANAMPILLY NAGAR,
COCHIN-36.**

**BY ADV. SMT.MINI ELIZABETH GEORGE
SMT.BETTY K.ALUKKA**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, SECRETARIATE, THIRUVANANTHAPURAM.**
- 2. THE ERNAKULAM DISTRICT SPORTS COUNCIL,
REPRESENTED BY ITS HONRY SECRETARY, MINI STADIUM,
P.T.USHA ROAD, COCHIN 682011**

**BY ADV. SRI.JOY THATTIL ITTOOP
GOVERNMENT PLEADER
BY ADV.SRI. T.R.RAMACHANDRAN NAIR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- LETTER BY THE PETITIONER TO THE ERNAKULAM DISTRICT SPORTS COUNCIL DT.6.2.99.

EXT.P2:- LETTER OF ACCEPTANCE BY THE SPORTS COUNCIL DT.26.2.99.

EXT.P3:- COPY OF THE CONTRACTUAL AGREEMENT.

EXT.P4:- WORK ORDER BY THE HONRY SECRETARY OF ERNAKULAM DISTRICT SPORTS COUNCIL DT.8.3.99.

EXT.P5:- WORK COMPLETION CERTIFICATE, ISSUED BY THE HONRY.SECRETARY OF ERNAKULAM DISTRICT SPORTS COUNCIL DT.9.8.99.

.EXT.P6:- COPY OF THE RELEVANT PAGES OF THE RE-TENDER BOOKLET.

EXT.P7:- COPY OF THE LETTER DT.22.6.99 BY THE MANAGING DIRECTOR, ESTEEM DEVELOPERS LTD., COCHIN TO THE HONRY. SECRETARY OF ERNAKULAM DISTRICT SPORTS COUNCIL.

EXT.P8:- COPY OF THE REPRESENTATION DT.28.8.2000.

EXT.P9:- COPY OF THE ACKNOWLEDGEMENT CARD OF REGD. LETTER Y THE PETITIONER TO THE RESPONDENT DT.14.9.02.

EXT.P10:- COPY OF THE LEGAL NOTICE TO THE ERNAKULAM DISTRICT SPORTS COUNCIL BY THE PETITIONER.

/TRUE COPY/

tss

Dated this the 19th day of December, 2006

J U D G M E N T

The writ petition is filed with the following prayers:-

“(i) To issue a writ of mandamus, or any other direction or order of like nature, directing the 2nd respondent to take immediate steps to pay the amount due to the petitioner as retained by them as per Exhibit P3.

(ii) To issue a writ of mandamus, or direction or order of like nature directing the 2nd respondent to pay interest at the rate of 9% per annum for the retention amount from the date of completion of work till the date of payment.

(iii) To issue a writ of mandamus or direction or order of like nature directing the 2nd respondent to give compensation to the petitioner for breach of contract.”

In case no action has been taken on Ext.P8, there will be a direction to the 2nd respondent to look into Ext.P8, with notice to the petitioner, and take appropriate action in accordance with law, within a period of three months from the date of production of a copy of this judgment by the petitioner. It is made clear that it will be open to the petitioner to work out the grievance before the civil court, in which case the time taken for prosecuting this writ petition shall stand excluded while computing the period of limitation. The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

19th DECEMBER, 2006